

REMARKS

Claims 1-23 and 25-59 are currently pending in this application.

Election / Restrictions

The election without traverse was acknowledged, but the restriction requirement was withdrawn.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 2, 4, 8, 9, 12-18, 23, 25-32, 34, 38, 39, 42-45, 47, 48, and 54-59 were rejected under 35 U.S.C. §102(b) as being anticipated by Wade (U.S. Patent No. 941,215).

Wade discloses a water heater which includes an enclosed spiral groove and a heating element for heating water. However, contrary to the claimed invention, the water heater does not include a storing element for maintaining the fluid at a heated fluid temperature, so as to enable the fluid to be heated above the heated fluid temperature substantially rapidly to a fluid dispensing temperature.

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Claim Rejections Under 35 U.S.C. §103

Claims 3, 7, 33, 46 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wade. Claims 5, 6, 7, 10, 11, 19, 20, 21, 22, 35, 36, 37, 40, 41, 49, 50, 51, and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wade in view of common knowledge in the art. Since these claims depend directly or indirectly from independent claims, it is submitted that they are patentable in view of the patentability of the independent claims as set forth above.

Dependent Claims

In view of the patentability of the underlying independent claims over Wade as set forth above, it is submitted that the claims depending therefrom are likewise patentable.

CONCLUSION

It is submitted in view of the above that there is no teaching or suggestion of applicant's invention as claimed in the claims submitted herewith, within the scope of the disclosure of the cited references, without extensive modification and the exercise of inventive talent.

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In light of the above amendments and remarks, applicant submits that the application is in condition for allowance, and requests that it be passed to issue. If there are any issues which can be discussed in a telephone interview, the Examiner is requested to contact applicant's attorney at (310) 242-2732.

Respectfully submitted,

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